

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Eric Jon Kuhn
Tamika Allen-Kuhn
Debtor(s)

Bankruptcy Case No.: 19-10096-TPA
Per September 10, 2019 Proceeding
Chapter: 13
Docket No.: 37 – 18, 30
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 1, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,868.00 as of September 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: M&T Bank (Claim No. 9) and Pennsylvania Department of Revenue (Claim No. 1) .
- ☒ H. Additional Terms: The secured claims of the following Creditors shall govern as to claim amount, to be paid at the modified plan terms: Fifth Third Bank (Claim No. 3) and Capital One Auto Finance (Claim No. 2).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: September 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Eric Jon Kuhn
 Tamika Allen-Kuhn
 Debtors

Case No. 19-10096-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Sep 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 14, 2019.

db/jdb
 15003495 +Eric Jon Kuhn, Tamika Allen-Kuhn, 2003 East Gore Road, Erie, PA 16510-3893
 15003496 Best Buy Credit Services, P.O. Box 78009, Phoenix, AZ 85062-8009
 15026438 +Best Buy/CBNA, 50 Northwest Point Road, Elk Grove Village, IL 60007-1032
 15003499 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15025443 Chase, P.O. Box 15123, Wilmington, DE 19850-5123
 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 15033912 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 15003500 +Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45227-1115
 15011084 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14989322 +KML Law Group P.C., Mellon Independence Center, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 15003503 +Liberty Mortgage Corporation, 3818 Liberty Street, Erie, PA 16509-1473
 14989325 M&T Bank, P.O. Box 619063, Dallas, TX 75261-9063
 14989327 M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
 15003510 Mortgage Electronic Registration, Systems, Inc., P.O. Box 2026, Flint, MI 48501-2026

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: acg.acg.ebn@americaninfosource.com Sep 13 2019 02:44:13
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 15003497 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Sep 13 2019 02:44:49
 Capital One Auto Finance, P.O. Box 259407, Plano, TX 75025-9407
 15005673 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Sep 13 2019 02:45:14
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 15029744 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 13 2019 02:44:11
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15003498 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 13 2019 02:44:11
 Capital One Bank (USA), N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 15003502 E-mail/Text: bncnotices@becket-lee.com Sep 13 2019 02:40:25 Kohl's, Payment Center,
 P.O. Box 2983, Milwaukee, WI 53201-2983
 15033644 E-mail/Text: camanagement@mtb.com Sep 13 2019 02:40:32 M&T BANK, P.O. Box 840,
 Buffalo, NY 14240-0840
 15003508 E-mail/Text: camanagement@mtb.com Sep 13 2019 02:40:32 M&T Bank, One Fountain Plaza,
 Buffalo, NY 14203
 14989326 E-mail/Text: camanagement@mtb.com Sep 13 2019 02:40:32 M&T Bank, P.O. Box 1288,
 Buffalo, NY 14240-1288
 14989323 E-mail/Text: camanagement@mtb.com Sep 13 2019 02:40:32 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182
 14989324 E-mail/Text: camanagement@mtb.com Sep 13 2019 02:40:32 M&T Bank, P.O. Box 900,
 Millsboro, DE 19966
 14989753 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 13 2019 02:44:14
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14990915 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 13 2019 02:40:53
 Pennsylvania Department of Revenue, Bankruptcy Division P O Box 280946,
 Harrisburg PA 17128-0946
 15028363 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 13 2019 02:55:38 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15003501* +KML Law Group P.C., Mellon Independence Center, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 15003507* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
 (address filed with court: M&T Bank, P.O. Box 1288, Buffalo, NY 14240-1288)
 15003504* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
 (address filed with court: M&T Bank, P.O. Box 62182, Baltimore, MD 21264-2182)
 15003505* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
 (address filed with court: M&T Bank, P.O. Box 900, Millsboro, DE 19966)
 15003506* M&T Bank, P.O. Box 619063, Dallas, TX 75261-9063
 15003509* M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288

TOTALS: 1, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: jmar
Form ID: 149

Page 2 of 2
Total Noticed: 28

Date Rcvd: Sep 12, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Michael S. Jan Janin on behalf of Joint Debtor Tamika Allen-Kuhn mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
trayer@quinnfirm.com;gbebko@quinnfirm.com
Michael S. Jan Janin on behalf of Debtor Eric Jon Kuhn mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
trayer@quinnfirm.com;gbebko@quinnfirm.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5